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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/535,124	05/16/2005	Michael Anthony Pugel	PU020460	3595
24498	7590	02/22/2008	EXAMINER	
Joseph J. Laks			ANDRAMUNO, FRANKLIN S	
Thomson Licensing LLC			ART UNIT	
2 Independence Way, Patent Operations			PAPER NUMBER	
PO Box 5312			2623	
PRINCETON, NJ 08543			MAIL DATE	
			DELIVERY MODE	
			02/22/2008	
			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/535,124

**Applicant(s)**

PUGEL, MICHAEL ANTHONY

**Examiner**

Franklin S. Andramuno

**Art Unit**

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05/16/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06/16/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 05/16/05, 04/16/07.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, 10-19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendall (US 2006/0156332 A1) in view of Ganzer et al (US Patent 5,121,430). Hereinafter referred as Kendal and Ganzer.

Regarding claims 1, 8, and 15, Kendall discloses an apparatus and method having an emergency alert function (**Emergency Alert Function (305) in figure 3**), comprising: tuning means for tuning signals including emergency alert signals associated with said emergency alert function (**Tuner (22) in figure 2**); and processing means for enabling a disabled user setting for an auxiliary information display function of said apparatus responsive to said emergency alert signals. **However, Kendal fails to disclose** the use of enabling a disabled apparatus. Ganzer discloses (**column 11 lines 3-11**) the slave unit (85) may output control signals to control the functioning of accessory devices (96) in response to an emergency.

Therefore, it would have been obvious at the time of the invention to include the use of a control function to control devices triggered by an emergency unit. This is a

useful combination because it allows devices to be turned on or off in case of an emergency.

Regarding claims 2, 12, and 16, Kendall discloses the apparatus and method of claims 1, 11, and 15, wherein said auxiliary information display function includes a closed caption display function **(page 2 paragraph (0024) lines 6-7)**.

Regarding claims 3, 13, and 17, Kendall discloses the apparatus and method of claims 1, 11, 15, wherein said processing means further enables an alert output using said auxiliary information display function responsive to said emergency alert signals **(Display (29) in figure 2)**.

Regarding claims 4, 14, and 18, Ganzer discloses the apparatus and method of claims 3, 13, and 17, wherein said processing means further disables said user setting for said auxiliary information display function after said alert output is enabled **(Column 11 lines 3-11)**.

Regarding claims 5, and 19, Kendall discloses the apparatus and method of claims 1, and 15, wherein said processing means further enables display of a default screen responsive to said emergency alert signals **(Video (28 in figure 2))**.

Regarding claims 7, 10, and 21, Kendall discloses the apparatus and method of claims 5, 8, and 19, wherein: said processing means further enables **(Processor (22) in figure 2)** an alert output using said auxiliary information display function responsive to said emergency alert signals **(Emergency Alert Funcion (303) in figure 3)**; and said

alert output includes a visual message overlaid upon said default screen (**column 5 lines 36-40 (Ganzer)**).

Regarding claim 11, Kendall discloses the method of claim 8, further comprised of enabling a disabled user setting for an auxiliary information display function of said apparatus responsive to said emergency alert signals (**Display (29) in figure 2**).

3. Claims 6, 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kendall (US 2006/0156332 A1) in view of Ganzer et al (US Patent 5,121,430) in view of Kennedy (US 5,369,432). Hereinafter referred as Kendal, Ganzer, and Kennedy.

Regarding claims 6, 9, and 20, Kendall discloses the apparatus and method of claims 5, 8, and 19, wherein said default screen is a blue screen (**page 3 paragraph (0026) line 6**). **Kendall fails to disclose** the use of a blue screen. Kennedy discloses on (**page column 7 lines 13-15**) the use of a programmed blue screen on a computer.

Therefore, it would have been obvious at the time of the invention to program the screen color to a desired match. This is a useful combination because it allows the user to get a visual aid and alert in case of an emergency.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Franklin S. Andramuno whose telephone number is 571-

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270-3004. The examiner can normally be reached on Mon-Thurs (7:30am - 5:00pm)  
alternate Fri off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571)272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**CHRIS KELLEY**  
**SUPERVISORY PATENT EXAMINER**  
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